

1560 / 585.

THE
S P E E C H
OF THE RIGHT HONOURABLE
JOHN, LORD BARON FITZGIBBON,
[NOW EARL OF CLARE,]

Lord High Chancellor of Ireland,
DELIVERED IN THE HOUSE OF PEERS, ON THE SECOND
READING OF THE BILL FOR THE RELIEF OF HIS
MAJESTY'S ROMAN CATHOLIC SUBJECTS,
MARCH 13th, 1793:

WITH
AN ACCURATE REPORT
OF THE
S P E E C H

OF THE RIGHT HONOURABLE
JOHN FOSTER,
Speaker of the House of Commons,
ON THE ABOVE SUBJECT,
FEBRUARY 27th, 1793.

L O N D O N:
PRINTED FOR J. WRIGHT, OPPOSITE OLD BOND-STREET,
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1798.



ADVERTISEMENT.

THE following Speeches were delivered in the House of Lords and Commons, on the second reading of a Bill for "The Relief of his Majesty's Roman Catholic Subjects in Ireland," brought into the House of Commons by Mr. Secretary Hobart, in Consequence of his Majesty's Recommendation, delivered by Lord Westmorland, in his Speech to both Houses of Parliament, January 10th, 1793. The Bill passed both Houses, and received the Royal Assent the 9th of April, 1793.

By the above Bill the Roman Catholics of Ireland obtained every civil Privilege and Advantage to which Protestants were entitled; save only their obstinate Refusal of the Oath of Supremacy, and of the Oaths and Engagements prescribed to be taken by the Test Acts, precluded the few Irish Peers of that Persuasion from voting in the House of Lords, and their Commoners from Seats in the House of Commons; they were also by the same Means precluded from filling about thirty-two Civil Employments, among which were the Offices of Lord Lieutenant, Lord Chancellor, Judges, and Commander in Chief of the Army.

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THE LORD HIGH CHANCELLOR.

WHEN this subject came before your Lordships in the last Session of Parliament, it was my determination to pass it by in silence, because I was taught to believe that the bill which was then agreed to, would have given content to the Roman Catholics of Ireland; and I have always felt peculiar reluctance in discussing their political claims, feeling it to be impossible not to recur to past injuries and aggressions, which it is my most earnest and anxious wish to bury in eternal oblivion. I could wish again to pass it by. But when the epidemical phrenzy of the day has reached even that grave and Reverend Bench, and a learned Prelate has thought fit most wantonly to pour forth a torrent of exaggerated misstatements, and inflammatory declamation against the existing government in this country for two centuries, I cannot pass by his indiscretions unnoticed and unrepended. Before I allude more particularly to what has fallen from him, I shall take leave to assume the office of his apologist, and to attribute some of his indiscretions to their genuine cause:—"To radical ignorance of the laws of the country whence he has

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come, and of the history, the laws and constitution of that country into which he has been transplanted."

As to the general distinction between Protestant and Catholic, if I know myself, I have not a spark of religious bigotry in my composition. It is my firm and decided conviction, that in the private intercourse between man and man, it matters not to what particular sect he belongs, if he adheres conscientiously to the principles and precepts of the Christian Religion. But when the Parliament of Ireland is called upon in high and authoritative tones, to deliver up to a great majority of the people, professing the Popish Religion, the efficient political powers of a Protestant state, it behoves every sober and thinking man to look to the real situation of the country, and to see whether, if this surrender is made, any security will remain for our connection with Great Britain, and the maintenance of a Protestant establishment in Ireland.

I should be extremely sorry that any thing which may fall from me were to stop the progress of this bill:—I do believe, after what has passed upon this subject in Great Britain and Ireland, it may be essential to the *momentary* peace of the country, that your Lordships should agree to it; and I do not by any means desire to be responsible for the consequences which might follow its rejection; and therefore I hope it will be understood, that much as I disapprove the principle of this bill, whatever I may say upon the subject, is intended to open the eyes of the people to the real state of this country, in the hope, if it be possible, to stop the further progress of innovation.

I lament as much as any man, that religious bigotry and religious distinctions should prevail amongst us; I very well know they have proved the source of bitter calamity to the people of Ireland, and must necessarily, so long as they exist, retard her progress as a nation. Religious bigotry produced Tyrone's rebellion in the reign of
Elizabeth

Elizabeth—religious bigotry produced the rebellion in 1641, and the horrid excesses which attended it—religious bigotry produced the rebellion in 1688, and the unexampled tyrannies and proscriptions of James and his Parliament. And I am sorry to say, and my opinion is formed from general and promiscuous habits of intercourse with the people for more than twenty years, that religious bigotry is at this hour as rank in Ireland as it was at any one period to which I have alluded. Nay more, I am satisfied that a very great majority of the inhabitants of Ireland, are as zealously and superstitiously devoted to the Popish faith, as the people of Spain, or Portugal, or any the most bigoted districts of the German empire. Far be it from me to state it as a circumstance of reproach; on the contrary, I think that a cordial attachment to the religion which they profess, redounds much to their credit; and I cannot but wish that in this particular, the Protestants of the established church would take example from their Catholic brethren. But when their political claims are to be discussed in Parliament, the personal merits or demerits of the men, ought wholly to be dismissed from our consideration. In my mind, we ought only to look to the principles of that religion which they profess, and to the unerring influence which they have had upon the political government of every nation in Europe for centuries; and if we look to the subject in this point of view, I will be bold to say, that the page of history does not furnish a single instance in which Protestants and Papists have agreed in exercising the political powers of the same state; and so long as the preposterous claims of the Court of Rome to universal spiritual dominion over the Christian world, shall be maintained, it is utterly impossible that any man who admits them, can exercise the legislative powers of a Protestant state with temper and justice.

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It is a melancholy truth, that there is not a country in Europe, in which the reformed religion has been established, where its progress has been so slow and inconsiderable as in Ireland: and it seems to be the strangest argument that has ever occurred to rational beings, to urge the general abhorrence in which the Protestant religion is held by a great majority of the people, as a reason for admitting them to a full participation of the political powers of a Protestant state: and yet this is the strong ground upon which the advocates for Catholic emancipation, as it is called, have rested their claims.

They tell us, that the expectation of making this a Protestant country is vain; that three millions of the people are unalterably devoted to the Catholic faith, and that justice forbids their exclusion from the state. That the people of this country have been uniformly and unalterably devoted to the Popish faith, is a truth too notorious to be disputed. At a time when other nations of Europe were engaged in religious controversies and innovations, *they* were in a state of barbarism and ignorance, which had sunk them below the reach of curiosity or speculation: old habits of licentious power had long engaged them in acts of resistance to the British government, and therefore the example of the English settlers, would alone have been sufficient to make the Reformation odious to them; but from the first moment that the Act of Supremacy was promulgated in this country, the habitual aversion of the natives to the English name and nation, heated by religious antipathy, became savage and inveterate. Hence it was, that during the reign of Elizabeth, Ireland was a scene of unremitted insurrection and rebellion, which was finally quelled by Lord Mountjoy, early in the reign of James I.—a rebellion so extensive, that at the termination of it, nearly the whole of the Province of Ulster was forfeited to the Crown for treason; and the
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extent of this confiscation laid the first foundation for civilizing Ireland. A company was established by James I. at London, for planting new colonies in the Northern counties, the forfeited lands were divided into moderate shares, tenants were brought over from England and Scotland, the Irish were removed from their hills and fastnesses, and settled with the new planters in the open country; their old customs were abolished, and the English law substituted for them; peace and industry seemed to be established, and to secure to his Protestant plantation a predominant influence in the state, King James erected sixty-seven corporations, with the privilege of sending representatives to Parliament; which exercise of his prerogative was loudly complained of by the native Irish, as an encroachment upon their inherent rights; insomuch that for some time they refused to allow the burgesses returned to Parliament by these corporations, to vote for a Speaker; but having been at length defeated in this act of resistance, they sent over a deputation to King James, to complain of the injuries which they had sustained by being thus overbalanced in the State by his English colonists. And it is a fact well worthy of observation, that the descendants of these same English colonists, are the men who at this day call aloud for the annihilation of charters, which were granted by the Crown for the protection of their ancestors, which have for two centuries proved *their* protection, and are now more than ever necessary to enable *them* to stand their ground. And if the Parliament of Ireland shall ever be induced to commit this unwarrantable act of power, the men who now so loudly call for it, will be the first victims of their own restless folly.

The great objects of King James, in administering the government of Ireland, were pursued by Charles I. and for a period nearly of forty years, the inveterate animosities
which

which had subsisted between the two nations, seemed to have been obliterated; they were in some degree incorporated with each other, and had apparently lived together in peace and amity. This, however, proved to have been but a temporary and deceitful tranquillity: the interests of the old Irish Catholics, as to property and religion, stimulated them to revolt, the violence of English party, to which Strafford had fallen a victim, had considerably weakened the English government in this country, and the Court of Rome, taking advantage of the natural propensities of the Irish, and the distracted state of England, first concerted, and afterwards publicly fomented the rebellion of 1641; which, after desolating this country for a period of seventeen years, terminated in the extinction of the principal families, and in nearly a total revolution of the property of Ireland; for upon the final execution of the Acts of Settlement and Explanation, it appears by the Down survey, that seven millions eight hundred thousand acres of land, were set out by the Court of Claims, principally, if not wholly, in exclusion of the old Irish proprietors; and in this general wreck, it is too true, that the fortunes of some innocent and loyal subjects were involved.

During the reign of Charles II. no attempts were made to promote rebellion or insurrection in Ireland, but from the final execution of the Acts of Settlement and Explanation, down to the present day, the people of this country have consisted of two distinct and separate casts; the one, with a short intermission, possessed of the whole property and power of the country; the other expelled from both, in consequence of unremitted and inveterate rebellion, and resistance to the English government and English connection; the one acknowledging the powers civil and ecclesiastical, entrusted to the Crown by the Constitution; the other obstinately disclaiming all ecclesiastical obedience to their

their lawful Sovereign, and acknowledging an unlimited ecclesiastical jurisdiction and authority in a foreign Prince. In this situation, it is not much to be wondered at, that the party excluded should seize the first occasion which offered, to recover the power and property which had been wrested from them, and to restore the religion of their ancestors to its ancient splendour and dominion; and accordingly whenever the occasion has occurred, they have invariably availed themselves of it, and if the occasion should hereafter occur, they will again avail themselves of it, to struggle for a separation from England, unless hereditary hatred, and religious antipathy, and love of power, and love of property, shall cease to stimulate and inflame the human mind. As to the loyalty of the Irish Catholics during the last century, I do not consider it to be an argument in favour of this bill, which goes to admit them very far into the state. If I am to look back into their conduct, to justify the principle of this bill, I must look back to the time when they had political power: and of the use which they made of political power, we have a pregnant example in the memorable acts of James II. and his Parliament, in 1689.

A Right Rev. Prelate has thought fit to enter into a full justification of every thing which passed in Ireland at that memorable period. He asserts, that what we call rebellion, was but a political error, for that the English Parliament had no right to transfer the allegiance of the people of Ireland from James II. to the Prince of Orange; that although the Parliament of England had voted an abdication of the throne by James, and recognized the title of King William and Queen Mary to the throne of England, James II. continued to be lawful King of Ireland. It would have become the Right Rev. Prelate, before he hazarded this wild and treasonable assertion, to look to the laws and constitution of this country, to which he has
 sworn

sworn allegiance, and to reflect upon the duty which he owes to the country that gave him birth. And if the Right Rev. Prelate had taken the trouble to turn over our statute book, he would have learned, that, by an act passed in this kingdom in the reign of Henry VIII. the King of England is declared to be *in that right alone*, King of Ireland: he would have learned, and perhaps it may not be amiss that he should know, that by that statute, any person, who by writing or imprinting, or by any exterior act or deed, shall dispute the title of the King of England to the Crown of Ireland, is declared guilty of treason; and therefore I take leave to tell him, that in future he ought not in point of prudence, to soften the crime of rebellion in this country against the Crown and government of Great Britain, into mere political error: he ought not in point of prudence to assert, that the subjects of Ireland were not bound to allegiance to King William and Queen Mary, because from the first moment that their title to the Crown of Ireland was recognized by the British Parliament, the allegiance of the people of Ireland was transferred to them by the authority of an Irish statute, and the denial of it is, by the same statute, a crime little short of treason; if attended with any exterior act or deed, the denial would fully amount to treason. If the Right Rev. Prelate supposes that the act of William and Mary passed in this kingdom, was the first law which declared the inseparable union of the two Crowns, he is extremely mistaken; that act was but a further recognition of the principle which was before fully established, and from the time of Henry VIII. to this hour was never questioned or doubted by any man who has been conversant with the laws and constitution of this country.

Having thus dismissed that Right Rev. Prelate for the present, I shall proceed to the subject immediately before

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us. The first step taken by James on his landing in Ireland, was to summon a parliament, and in his proclamation for calling it, he acknowledged the great obligations which he owed to his Catholic subjects for the cheerfulness and vigilance with which they had armed in support of his cause. With the writs of election circular letters were written by Lord Tyrconnel and the Popish Bishop of Clogher his Secretary, to the Sheriffs, naming the persons whom they were to return, and these instructions were implicitly obeyed. On the 7th of May 1689, this memorable Parliament met, and having declared their full recognition of James's title to the crown of Ireland, and their abhorrence of the Prince of Orange's usurpation, and thanked James and his Deputy Tyrconnel, for that glorious meeting, they proceeded to business. Their first act was the introduction of a Bill for the repeal of the Acts of Settlement and Explanation, and in three days this momentous Bill, by which the property of thousands was annihilated, passed the House of Commons and was sent up to the Lords, where it was passed, without allowing the sufferers who petitioned against it to be heard at the bar. It remained only for them to appeal to the justice of James and to the solemn assurances of protection which he had made to his Protestant subjects on his first landing in Ireland—and accordingly a strong and affecting remonstrance on their behalf was drawn up by Judge Keating, and presented to James—but in vain. The Act of Repeal received his assent, and it is worthy of observation that the preamble contained a full justification of the rebellion of 1641. This Act went further than a mere repeal of the Acts of Settlement and Explanation. It confiscated the estates of all persons who on the 1st of August 1688 were in rebellion to James, in England, Scotland or Ireland, or who had from that day corresponded with rebels; and although the offenders might have had but

limited estates, the Act confiscated the inheritance; the proprietors were made punishable for waste committed during a possession of twenty-three years, derived under two Acts of Parliament, and the personal estates of such of them as were absent were vested in James, to be seized by the Commissioners of the Revenue; and to complete this system of legislative jurisprudence, severe penalties were enacted against those who had the personal estates of absentees in their possession, and did not make discovery of these to the Commissioners. But this or any other act of severity and injustice, which has ever been put in practice in the shape of a law or of proscription, fell far short of the Act of Attainder passed by this Parliament, which was designed to complete the system which the Act of Repeal had so notably begun.

Having collected the names of all such Protestants as had escaped the plunder of the Act of Repeal, they proceeded to attain of High Treason by name, thirteen hundred and five persons of both sexes who were resident in Ireland and amenable, unless they surrendered on or before the 10th of August 1689. They next attainted several persons who had quitted Ireland before a certain day named, and who did not return within a limited time. And lastly, they attainted by name all persons usually resident in England, who had estates in this country, unless they should manifest their allegiance to James before the 1st of October 1689; which manifestation of their allegiance to him, would necessarily have exposed them to the penalties of treason in England. What seemed even more cruel than this indiscriminate attainder, the Act vested in the Crown the estates real and personal, of all such persons as were absent from sickness or non-age, till they should give sufficient proof of their loyalty; and in case they did so before the last day of the term next after their return to Ireland, they were then to be at liberty to sue for

for their estates before Commissioners appointed for the execution of the Acts of Repeal and Attainder, or in the Courts of Chancery and Exchequer.

By this Act more than two thousand four hundred persons were proscribed by name, and condemned to suffer all the persecution which the most rancorous and vindictive malignity could inflict upon them; and to fill the measure of iniquity, a restraint was laid upon the prerogative, by which all pardons not enrolled before the last day of November 1689, were declared null and void. The persons present and absent who were proscribed by this Act were attainted by name, a limited time was appointed for their coming in; but lest this might in any degree, defeat the malignity and injustice of the act, it was carefully concealed by the Chancellor Sir Alexander Fitton, and no Protestant was allowed to see it till the time for surrendering and enrolling pardons had expired; and even if the Act had been promulgated on the passing of it, the persons who were absent, and attainted by name, could not have had notice to surrender, because there was a clause in the Act which made a correspondence with rebels treason, and the act of giving notice to surrender, would have subjected the party giving it to attainder. When this Act was presented to James for his assent, Sir Richard Nagle informed him, "That some of the persons named were attainted upon such evidence as was satisfactory to the House of Commons, the others upon common fame."

Having thus disposed of the lives and properties of the English Protestants, who had been settled in Ireland, the next object of their care was the Protestant religion. An immediate repeal of the Act of Supremacy would have made the cause of James desperate in England; it became necessary, therefore, to proceed with some degree of caution in extirpating the Protestant religion; accordingly an Act was passed allowing unbounded liberty of conscience,

science, and enacting, that all tythes payable by Papists should be paid to their priests only, and that they should be recovered by actions at law, a favour which was denied to the Protestant Clergy, who were left for recovery of their tythes to the Ecclesiastical jurisdiction. To render this jurisdiction, however, completely abortive, all dissenters from the established church were exempted from it, and therefore a suggestion of this exemption was a sufficient ground for a prohibition to the Ecclesiastical Court, and even if a sentence of the Ecclesiastical Court for tythes was obtained by a Protestant clergyman, the writ necessary to enforce it was withheld by the Chancellor.

The Act of Charles II. making provision for the Protestant clergy in cities and towns corporate was repealed, and the arrears due to them were cut off. The Provost, Fellows and Scholars of Trinity College were dispossessed; Doctor Moore a Popish Priest was made Provost—the Fellowships were bestowed upon Jesuits and Friars, and the old possessors were forbidden to appear together in any numbers exceeding two, on pain of death. Their Protestant Bishoprics were seized, and their Revenues paid into the Exchequer, and Protestants were forbidden to meet in their churches or elsewhere, in any numbers exceeding two, on pain of death, and their churches were converted into barracks and prisons.

Far be it from me in going into this detail, to revive the memory of these injuries and aggressions, but so much has been addressed upon this subject to the passions, and so little to the judgment of Parliament, that I hold it to be the bounden duty of every honest man, to oppose broad and glaring facts to the loud and impudent clamour with which we have been stunned, upon the subject of Protestant monopoly, and Catholic depression. The fact is, that the penal laws enacted in this country to abridge the power and influence of the old Irish Catholics, was a
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code forced upon the Parliament of Ireland by hard necessity—a code which was dictated by self-defence and self-preservation, and has from time to time been relaxed with an open and unsuspecting liberality, which has been but ill requited by that body of men who have profited by it: and I could wish that the Catholics of the present day, who complain that they now live in a state of slavery, would condescend to compare their situation in point of civil liberty, first with the situation of their Catholic brethren in any other kingdom of Europe; I would next desire them to compare their situation with that of the Protestants of Ireland in the reign of James II. and last of all, I would desire of them to compare their present situation in point of civil liberty, with that in which they must have stood at this day, if their ancestors had succeeded in establishing James II. on the throne of Ireland.

If civil liberty be their object, they must acknowledge their obligations to King William, who delivered this country at the head of a British army, from a state of abject slavery and persecution inflicted upon it by their ancestors. And if civil liberty be their object, they must acknowledge the wisdom and necessity of the old Popery laws, to which I do not scruple to say, Ireland stands indebted in a great measure for her internal tranquillity during the last century. Let modern philosophers and metaphysicians who exclaim against this code as subverting the immutable principles of sentiment and fraternity, and the imprescriptible rights of man, condescend to look to the situation of the Protestant settlers in Ireland at the Revolution. They were an English colony settled in an enemy's country, which had been reduced by the sword to a sullen and refractory allegiance—in numbers they did not make up one-fourth of the inhabitants; the experience of a century had proved, that from an opposition of laws, customs, interests, and religion, the natives of the country had contracted

tracted a rooted and incurable aversion to them; they could not therefore stand their ground, unless by disarming the enemies who surrounded them, and by cultivating the confidence and affection of the British nation. When I talk of disarming their enemies, I do not mean stripping them of offensive weapons; if permanent tranquillity was their object, it was essential to disarm the natives of Ireland of all political power. What was the policy of England at the Revolution? To define and circumscribe the prerogatives of the Crown, and to establish the power of Parliament. The Catholics in that country were but as a drop of water in the ocean; they had been excluded from sitting in Parliament by the Test Act, experience had satisfied the people of England that political power in any department of the state in the hands of Papists, was inconsistent with the maintenance of a Protestant establishment; and therefore, in the act for settling the Crown, the Parliament of England guarded the only department in the state which could by any possibility be open to Popish influence against it, and imposed a condition upon the Kings of England not to hold communion with the Church of Rome on pain of forfeiting their Crown.

What would the people of England have said, if at the Revolution they had been told that a Protestant King was a sufficient security to them for a Protestant establishment, and therefore, that they ought on principles of sentiment and fraternity, to open the two Houses of Parliament to the English Catholics? The people of England well know that British liberty, civil and religious, lives in the power of Parliament, and therefore that a Protestant establishment would be infinitely safer with a Popish Prince on the throne, and Protestant Houses of Parliament to controul him, than it could be in the hands of a Protestant Prince, controuled by a Popish House of Lords and Commons. And if a doubt could be entertained

tained upon the subject, the Revolution stands a memorable and striking example, that so long as the British constitution is preserved, one great security of the people for their civil and religious liberties will be, a total and unqualified exclusion of Popish influence from the two Houses of Parliament.

A Right Rev. Prelate, to whom I have been obliged to allude so often, has been pleased to assert, that the Revolution in England gave protection to all; that no laws were enacted against Catholics in England; but that at the Revolution, the people of Ireland were delivered over to civil tyranny. I am therefore again compelled to inform that Right Rev. Prelate, that in this assertion he has betrayed gross ignorance of the laws of England; for if he will take the trouble of turning over the English statute book, he will find, that the disabilities imposed by the English Parliament during the reign of King William, upon the Catholics of that country, were infinitely more extensive than the disabilities inflicted upon the Irish Catholics during the same period. He will find, that in the reign of King William, the English Catholics were disabled from purchasing real estates; a policy not adopted in this country, till the reign of Queen Anne. He will find, that double taxes were in some instances imposed on the English Catholics; a policy which was never adopted in this country. And he will find, that the laws which he has condemned as inflicting peculiar civil tyranny at the Revolution upon the Catholics of Ireland, were nearly transcripts of English statutes, enacted upon the same subject, during the same period; and if any thing further were necessary to acquit the Parliament of this country of the accumulated charges of tyranny and persecution, brought against it by that Right Rev. Prelate, I desire to refer him to one of the first Acts passed in this kingdom after the Revolution, an Act to unnerve the arm of the

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the Ecclesiastical Court upon convictions for recusancy, by abolishing the writ *de Hæretico Comburendo*.

It appears from the Journals of Parliament, that during the whole of King William's reign, repeated applications were made by individuals, for relief from sufferings inflicted upon them, by the bigotry of parents, in resentment for their conformity to the Established Church, and in many instances private Acts of Parliament were passed for their relief: and there is a striking evidence upon the Journals of this House, that during the same period, your Lordships ancestors had well-founded apprehensions for their safety, and doubted the practicability of being able to maintain their ground in Ireland.

* In the second year of the reign of Queen Anne, a committee of this House was appointed to take into consideration the state of the nation; and on the 25th of October in that year, the Committee reported their opinion, *That upon due consideration of the present constitution of this kingdom, such an humble representation be made to the Queen of the state and condition thereof, as may best incline her Majesty by such proper means as to her Majesty shall seem fit, to promote such an union with England, as may qualify the states of this kingdom to be represented there.* The proposition was not listened to by the Queen's ministers, and it was not till this attempt to unite the Parliaments of both countries had proved abortive, that the great code of the Popery laws of Ireland was enacted; a code, I will admit, of great severity, but evidently forced upon the Parliament by necessity; a code highly injurious to the landed interest of Ireland, and inevitably diminishing the value of every man's estate who voted for it. But the landed gentlemen of Ireland were driven to the hard alternative of again hazarding the possession of their estates, or of holding them subject to this incumbrance.

From

* Journals of the Lords, vol. ii. fol. 29.

From the time when these laws were passed, down to the year 1745, this country was not threatened with insurrection; but I have been informed by a person, who never in any instance deceived me, that in the year 1745, the Catholics of Ireland waited only for the signal to rise, from a southern Earl, whose great possessions have been since dissipated by the levity of his grandson, and who was, I believe, in that year arrested in England on suspicion of treason; and that he waited to give them the signal, only till it could be ascertained whether an insurrection in Ireland would have had effect. And as the opinion of Lord Chesterfield has been alluded to by a noble Earl upon this subject, I beg to refer him to the Speech delivered from the Throne, at the opening of the session in the year 1745, in which Lord Chesterfield's opinions of the situation of Ireland, and of the views of the Irish Catholics, are stated very explicitly. Fortunately for them, the then Pretender to the Throne was at once defeated in his attempt; and this country has certainly, during the whole of the present century, remained in a state of uninterrupted tranquillity; at least we have been perfectly free from insurrection or rebellion; and I am confident from the year 1745, nearly to the present period, no dispositions towards either have existed: accordingly the Legislature has thought fit from time to time, from the year 1778, to relieve the Roman Catholics of Ireland from all the severe restrictions which pressed upon them; insomuch, that at this day, they live in a state of as perfect civil liberty as any other description of the King's subjects. Their characters, their persons, and their property, are protected by the same laws which protect the characters, the persons, and the property of Protestants: for as to the complaint made by their petition, that their personal estates are liable to discovery, it is altogether without foundation, and they know it; and with

respect to their religious worship, they enjoy a full and perfect toleration : it is not now as formerly, suffered by connivance ; it is put under the protection of the law.

I have already stated, that the domestic tranquillity of this country during the present century, was in a great degree to be attributed to the old Popery laws, which had disabled the native Irish from embarrassing British government, or renewing hostilities against the English settlers. But there was one other cause to which it must also be attributed, and to which we must always look for maintaining peace and good order in this country. From the Revolution, down to the year 1782, the system adopted by that body of the people, in whom the power and property of the nation had centered, was to cement the connection which had so long subsisted between Great Britain and Ireland to their mutual advantage, and to cultivate the confidence and affection of the British nation ; but in the year 1782, a new scene was opened in Ireland :—having advanced claims on our part, which were acceded to by Great Britain in their fullest extent, the two Houses of Parliament thought it necessary to come forward, and publicly assert the principle which long experience had proved to be essential to the salvation of this country ; and in their address to the throne upon that occasion, they plighted the national faith to Great Britain, for ever to maintain the connection between the two countries, and to stand and fall with the British Nation : and it would have been fortunate indeed, for this country, if the persons who stood forward on that day, had kept in their recollection the solemn engagement to which the nation then stood plighted, and that her existence depends upon a scrupulous and honourable adherence to it. But fatally for her peace and prosperity, from the year 1782 to this hour, the policy of men, who call themselves the friends of the people, has been, to make Ireland a scene of embarrassment

to the British government; and to lose no opportunity which they could embrace, to foment jealousies and disunion between this country and Great Britain. The policy has been, upon every occasion to hold up Great Britain to the people, as their natural rival and enemy, and to teach them to believe, that the general interests of the empire must in every instance be sacrificed to the local advantages of Ireland; till at length they have raised a general outcry against English influence, and English connection; which, if I am to believe the public prints, has been echoed in Parliament, and the *present wise and temperate system* of Irish policy is, to concentrate the force of Irishmen of all religions and descriptions, against both. The avowed object at this day, of Irish reformers and Catholic emancipators, is separation from Great Britain; and if they shall succeed in their hopeful projects, separation or war must be the inevitable issue.

From the first moment that this fatal infatuation appeared in the other House of Parliament, I stated in my place in that House, that it would inevitably lead to the event which I have now only to lament. In the year 1785, and again in the year 1789, I did in my place in the House of Commons, state what I knew to be the real situation of this country, and warned the nation of the consequences to which the giddy and fantastical speculations of men, who had then assumed the reins of Government would inevitably lead; and let every dispassionate man in the nation, look back to what has passed from the year 1782, and he will see to whom he may attribute the convulsed and disjointed state of this country at the present day. Till modern Irish patriots had succeeded in fomenting party heat and rancour, and in dividing the Protestants of Ireland into opposite and inveterate factions, contending with each other, we never heard of any claim of political power advanced by the Irish Papists; we never heard, even when
they

they desired to be relieved from the severe pressure of laws affecting their rights of property, and their religious worship, of any thing in the shape of a claim of right ; whatever they desired, was sued for as favour and indulgence ; and whatever was granted to them by Parliament, they accepted with gratitude and duty : but from the first hour that our modern patriots succeeded in dividing the Protestants of Ireland, whose opinions and interests ought to be the same, into faction and emulation, then the tone of the Irish Catholics was altered ; then, for the first time, they stood upon their numbers, and demanded, as of right, admission into the state : then, for the first time, did they shake off all connection with the leading respectable men of their own communion, whose only crime was their disapprobation of violence and sedition.

I cannot here pass by the scurrilous and abominable calumnies bestowed in the last Session of Parliament, by the men who now govern the Catholics of Ireland, on Lord Kenmare and Lord Fingall, and many other Roman Catholic noblemen and gentlemen of approved worth and loyalty, for no other reason but that they declined to join these worthy personages in bearding the Parliament, and desired to submit their merits, only to the wisdom and liberality of the Legislature. I cannot forget, that these same worthy personages had framed an instrument which they called a petition to the other House of Parliament, couched in terms so violent and indecorous, that no member of that House would present it. And I cannot forget, that immediately after an Act had passed conferring great and essential benefits upon the Roman Catholics of Ireland, these same worthy personages, in concert with a Society of Jacobins and Levellers, who have established themselves in the metropolis, issued a circular manifesto to every parish in Ireland, asserting that a great majority of the people were in a state of abject slavery and depression, and recommending

recommending to them to elect a Popish National Assembly, after the example of their French neighbours and compeers, in order to force a repeal of the laws by which they are excluded from political power. And I cannot shut my eyes to what has passed upon this subject in the present Session of Parliament.

The Bill now upon the table has been backed by authority, and is now by authority presented to us as a demand of right, by a great majority of the people, who assert that your church establishment is a prophane usurpation upon a foreign Prince, and claim to be admitted to a full participation of the political powers of the state, by which alone your church establishment can be supported. If the Parliament of Ireland is to listen to the claims of the Popish subjects of this country, to be admitted to political power on the ground of right, I desire to know, where are we to make the stand? Religion is the great bond of society, and therefore, in every civilized country there must be a religion connected with the state, and maintained by it against all attacks and encroachments; and therefore, I deny the *right* of any man who dissents from the religion connected with the state, to demand admission into the state, upon which alone the established religion can rest for support. If the principle is once yielded, in my opinion, it goes directly to the subversion of all civilized government. Should the Parliament of Ireland once admit the claims of Irish Papists to political power, on the ground of right, I desire to know where we are to draw the line? If Papists have a right to vote for representatives in a Protestant Parliament, they have a right to sit in Parliament; they have a right to fill every office in the state; they have a right to pay tythes exclusively to their own clergy; they have a right to restore the ancient pomp and splendor of their religion; they have a right to be governed exclusively by the laws of their own church; they have a right to seat their bishops in this House; they have a right
to

to seat a Popish Prince on the Throne; they have a right to subvert the established government, and to make this a Popish country, which I have little doubt is their ultimate object; and therefore, if I were to look only to the manner in which this Bill has been brought forward, in my judgment, we are about to establish a fatal precedent in assenting to it.

But if the manner in which it has been brought forward, stood clear of all exception, see whether the principle of the Bill can be justified by sound policy. The great argument in support of it has been, that we ought to unite men of all religious persuasions in sentiment, and in support of the present constitution: If this could be effected, I am free to acknowledge it would be a momentous object; but so long as man continues to be a creature of passion and interest, I shall never have any faith in the efficacy of a Government founded upon principles of sentiment and fraternity; and therefore, despairing altogether to see a renewal of the golden age, I incline strongly in framing laws for the government of man, to reject speculation, and to abide by experience; and upon this particular subject if I am to look to experience, the annals of Europe do not furnish an example of Protestants and Papists agreeing in the exercise of political power in the same state. This has not been peculiar to Ireland, if we look to England during the whole of the last century, if we look to France during five successive reigns, if we look to any other nation of Europe where the reformed religion has found its way, the progress of discord has been uniformly the same. The contest has originated in religious persecution, has proceeded to civil war and massacre, and has ended only in the extermination of one or other of the contending sects. It is impossible, that mere difference of opinion upon speculative points of faith, could have produced effects so fatal to the peace of society; and therefore, if we are to trace the evil to its source, it will be found

found to spring from the active, and enterprizing, and intolerant spirit of the Court of Rome, and from the canons and constitutions of the Romish church, which, under the specious pretext of religious ordinances, are palpably framed for the attainment of unlimited secular power to the Pope and his votaries.

Here I shall beg leave to take a distinction, which rests upon authority much higher than any I can give it, and state it in the words of Lord Somers:—*Those who adhere simply to the Church of Rome, are good Catholics. Those who adhere to the Court of Rome are Papists, enemies and traitors to the realm of England, and utterly unfit for any trust in any Protestant country.* And therefore, I meddle not with the religious speculative opinions of any Roman Catholic. If he chuses to subscribe to articles of faith, which my reason and understanding reject, that is his business, not mine. But I object to all intercourse and communication with the Court of Rome; I object to the canons and constitutions of the Romish church, and to the pernicious influence which they have had, and which they always will have, upon the government of every Protestant state which is not fully and effectually guarded against it.

The cheat, by which the Court of Rome heretofore imposed upon the ignorance and credulity of Europe, and still imposes upon the ignorance and credulity of Ireland, is a claim of universal and unlimited spiritual power in every Christian state, derived to the Pope by Divine commission, and paramount therefore to all civil institutions: a power delegated by our Saviour to St. Peter, whom they call Prince of Apostles, and by him transmitted in regular succession to every man who has been elected by the College of Cardinals to the Papal chair; and under colour of this monstrous imposition, which one would suppose needs statement only for detection, has the Court of Rome for
centuries,

centuries, embroiled in civil discord and religious dissensions, every nation of Europe which has embraced the Reformed Religion, and to which her pernicious influence has extended. The corner stone of her policy, has been to promulgate articles of religious faith, which necessarily gave to the Pope a very great degree of secular power in every state, acknowledging his spiritual supremacy; and having laid this foundation, the laws of their Church proceed to denounce as heretics and schismatics, every sect of Christians who presume to dissent from any one article of religious faith, promulgated by the Holy Fathers.

* The canon declares, *That he who doubts the faith is an infidel; nor is he to be believed who is ignorant of the true faith.* And here I must recur to the inference drawn from this Constitution of the Church by all the Romish canonists and commentators, because in my mind it furnishes a full refutation to the charges of oppression and injustice, which have been so loudly made by the Catholics of Ireland against the Legislature, who in the reign of George II. passed an Act disabling Papists from serving upon Grand Juries if Protestants could be found, and disabling them also from serving upon Juries in all actions between Protestants and Papists: it was a statute framed precisely to meet the law of their Church, which is, † *That a heretick is not admissible as a witness or accuser against a Catholic, but between heretick and heretick, he is a competent witness.* And therefore I incline to think that our predecessors in Parliament, though not so great orators as the modern race of philosophers, were probably somewhat better informed statesmen and politicians.

Having thus defined heresy, the law proceeds to provide punishment in this world and the next, and declares, ‡ *That all hereticks and schismatics, although they practise the Christian*

* Gonzales in Septem. decretal, Lib. 5, Tit. 7, de Hereticis, Cap. 1.

† Ibid. Gonzales.

‡ Ibid. Gonzales, Cap. 3.

• *Christian virtue of charity in its fullest extent, and although they shed their blood for Christ, yet that they will most indubitably partake of eternal fire with the Devil and his Angels, unless, before the end of this life, they shall be incorporated with and reconciled to the Catholic Church. For neither baptism nor charity, however copious, nor even martyrdom, can give a chance of salvation to any man who does not hold the unity of the Catholic Church. From hence, say the Doctors, Lutherans and Calvinists who have suffered at the stake in defence of their faith, will find themselves bitterly mistaken if they suppose, that they suffer martyrdom for the name of Christ. They have been committed to the flames in this world, and will suffer perdition in the next. If these Christian law-givers had stopped here, and had been satisfied with consigning hereticks to the Devil and his Angels, I own I should have thought the law perfectly harmless and inoffensive. But having provided a warm reception for them in the next world, they proceed to take care of their temporal interests in this, and to enact every species of civil penalty and proscription against all sects of Christians, whom they have thought fit to denounce as hereticks; and therefore, by their law, * hereticks, their aiders, abettors, defenders, and counsellors, are in the first instance subject to excommunication; if they neglect to make satisfaction to the Church within a year, then they are declared infamous; in consequence, their property is confiscated to the Pope's Exchequer. They are deprived of all jurisdiction, nobility and dignity. They are debarred admission into all offices, benefices, and public councils. They are incapable of being elected, or of electing to them. They are also incapable of making wills, and all jurisdiction, civil and criminal, is denied to them; for, says one of their commentators, they have no more jurisdiction, than the*

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* Conc. Gen. Later. Celeb. Sub. Innocent 3, in Crab. Vol. 2. Cencil. Gonzales, Ibid. Cap. 13, Sanchez, fide disp. 21.

benches they sit upon. Children are absolved from all obligation of duty to their heretical parents. No length of possession will give a title to estates. If the possessors or their fathers knew that he who left them the estate was an heretick, or if he was at any time suspected to be so whilst he lived, or if at any time within forty years after his decease, it appears he was an heretick ; * in none of these cases is there room for prescription : but the estate must be seized in whose hands soever it be found, even if he be a Catholic.

It would be endless to travel through the system of persecution and proscription enacted by the laws of the Romish Church, against all sects whom they describe as hereticks. It is justified upon the principle of heresy being treason against the Divine Majesty, and therefore a crime infinitely greater than civil treason ; and it is also a fundamental principle of their law, that all Catholics invested with secular power, are bound to exercise it for the extermination of hereticks, † so decreed expressly in the Lateran Council ; and by a decree of the Council of Constance, it is declared that all contracts tending to the injury of the Catholic Faith are null and void, and this although they be enforced by the sanction of an oath : for, say their commentators, an oath cannot be the bond of iniquity. I cannot but wish, therefore, that young gentlemen who have publicly urged the expediency of a total and unqualified repeal of the Popery laws, and have publicly offered to embrace their Catholic brethren, for the wise purpose of resisting English influence, would take the trouble to look into the laws of the Romish Church, where they will find the principles of fraternity, upon which their Popish fellow-subjects are ready to meet them, and where they will also find the constitutions by which they will be governed, if
this

* Sanchez, Lib. 2, Cap. 22, N. 41. Menachius, Sum. 5, Præscrip. N. 2.

† Gonzales, Lib. 5, Cap. 17, Tit. 7, de Hæreticis.

this should become a Popish country. And if they alone were to come under the lash of a Popish tribunal, I cannot but acknowledge that I should not feel any great compunction, in leaving them to taste the sweets of their wise speculations. It may perhaps be said that the power of the Pope and the laws of the Romish Church are become obsolete, and therefore that there no longer exists any good reason for continuing the restraints heretofore imposed upon Catholics: but I am confident that the old Romish superstition is, at this hour, as rank in Ireland as it was in the year 1641. I am confident that there now is, and always has been, a regular and constant correspondence and communication kept up between this country and the Court of Rome; and that the spiritual power of the Pope is at this day acknowledged as implicitly as it ever was at any period of Irish history.

It is perfectly well known that we have a Popish hierarchy in this country, claiming and exercising all Episcopal functions, under the immediate authority of the Court of Rome; and it is the boast of the Popish Bishops, that Ireland is a singular exception to the Catholic Church discipline of every other country in Europe, in which their religion is not connected with the state; that in other Protestant states, the heads of the Popish Church have not any Episcopal jurisdiction, being without fees, and denominated from antient fees, now a part of the Ottoman dominions, but that from the days of St. Peter, the Popish hierarchy has been preserved in Ireland by a regular succession of Prelates in the several sees, where they have always acted as Ordinaries; and accordingly there is in every diocese of Ireland, a regular Popish Consistorial Court, acting under the authority of the Pope, and entertaining causes of Ecclesiastical cognizance, which are decided according to the laws of their Forum, without regard in any sort, to the laws of this country—If
proof

proof was wanting upon this most serious subject, I have it in my possession. A Popish Priest who acts as Judge in the Consistorial Court of Elphin, in the month of December 1791, cited parties who had lived together as man and wife, to appear in his Court in a cause of nullity of marriage; they had been married by a Priest, and had cohabited—however the marriage contract was pronounced null and void, and the woman was turned loose upon the world. On her complaint to a neighbouring gentleman, one of the representatives of the county, he remonstrated against this proceeding—but in vain: the Consistorial Judge persisted in enforcing his sentence; and, in justification of himself, enclosed to this gentleman a decree of the Council of Trent, *De Reformatione Matrimonii*, under which he had proceeded, and in the course of his correspondence upon this subject, which is now in my possession, he very gravely stated that an attack upon the laws of their Church, would be an attack upon the whole body of the Roman Catholics. That this being a clear case, he had full and final jurisdiction, for that appeals were made to the Court of Rome in causes of Ecclesiastical cognizance, only in cases of difficulty, *Vel propter Dignitatem Personarum*, as in the case of Henry VIII. and Queen Catharine.

I do not know how this proceeding may strike other men, but the avowed existence of a foreign jurisdiction in the heart of this country, governed by the laws of a foreign Prince, evidently framed for the subversion of all Protestant states, is to me a ground of most serious alarm; and the wildness with which we are now proceeding in the modern philosophical system of Catholic emancipation, has very much encreased my apprehensions of the danger arising from it: if this Bill shall receive the Royal assent, I must from that moment consider the Popish religion as virtually established by law in Ireland. The number of Popish Priests

Priests maintained in this country, certainly exceed two thousand; I have heard them calculated at two thousand five hundred; and it seems well worthy of consideration, that this great body of ecclesiastics exercising unbounded authority over their flocks, acknowledging an unbounded ecclesiastical power in a foreign Prince, and recognizing in their fullest extent the laws of a foreign state, is to be established by law, and let loose upon this country, totally free from all ecclesiastical controul, and disclaiming the authority of the temporal tribunals upon any subject, involving in it the interests of their religion.—If any man doubts that the Popish clergy deny the authority of the Temporal Courts, to this extent, let me refer him to the recent conduct of the Parish Priests of a Southern county. They were summoned in the last Session of Parliament to give evidence before a Secret Committee of the House of Commons, in order to disqualify a number of persons of their own communion, who had voted at the general election for the Gentleman who had been returned one of the representatives of the county; to a man they refused to submit to the jurisdiction of the Committee, or to give evidence before it. And to the scandal and reproach of the tribunal which they had thus insulted, they were suffered to depart triumphantly, I do believe at the intercession of the Gentleman at whose instance they had been summoned, who entertained well-founded apprehensions, that if the House of Commons had proceeded to punish their contumacy, he would have been murdered on his return home.

It is therefore idle in any man to assert, or to affect to think, that the old mischievous Popish superstition is at an end in this country. The slow progress of the Reformation proves the general abhorrence entertained of the Protestant religion by the people; the profound ignorance of the lower ranks qualifies them fully to receive any impression

pression which their Priests may chuse to make upon them ; and the misfortune of the country is, that if their minds should be divested of a superstitious veneration for their Priests, such is the ignorance and barbarism of the mass of the people, that they would necessarily sink into a state of rude nature. But the Popish superstition of the country is not confined to the lower ranks, it flourishes with full vigour amongst the better order of the people : it is notorious, that the conformity of any one member of a Popish stock, to the Protestant religion, is considered as a great and irreparable family misfortune : and if the opportunity offers, the great object of the family is to put him into the hands of a Popish Priest on his death-bed, that, by a reconciliation to the Church, he may die in a state of salvation.—The old Popish High Church usurpations, have been fully and candidly asserted and avowed in a very modern publication, by Doctor Troy, the titular Archbishop of Dublin, a gentleman, whom I have not the honour to know but from character ; and he has been uniformly represented to me, as a man of irreproachable manners and conduct. In this publication, which is addressed to the Catholics of Ireland, in a pastoral letter, he gives them some very good advice. He recommends to them a peaceable and loyal demeanor ; reminds them of the allegiance which they owe to their lawful Sovereign ; but in the same breath cautions them, most emphatically, not to depart from their ecclesiastical allegiance to the Pope. And declares to them, in broad and distinct terms, that the ecclesiastical jurisdiction and authority, assumed by the Kings of England, was, in its origin, and still continues to be, a prophane usurpation upon the inherent spiritual and ecclesiastical Primacy, not only of power and rank, but of real jurisdiction and authority of the Pope or Bishop of Rome, derived to him by Divine right, as successor to St. Peter, Prince of the Apostles in that see.

And

And in this pastoral letter, he tells his flock, in broad and distinct terms, that any deviation from their ecclesiastical allegiance to the Pope, or acknowledgment of ecclesiastical allegiance to their lawful Sovereign, must inevitably bring upon them eternal perdition. He has, in this pastoral letter, communicated one piece of information, and one only which is new to me,—and that is, that there is a standing Cabinet of Cardinals at Rome for the ecclesiastical government of Ireland.

I was always apprized that the Pope had established an Irish Nuncio resident at Brussels ; but this Cabinet of Cardinals for the ecclesiastical government of Ireland, is new to me. I presume the Cardinal York is at the head of it, and therefore there can be no doubt, that the mild superintending spiritual influence of this Cabinet upon the Irish Catholics, will have the best effects in cultivating their hereditary attachment to the British government, and the British nation, and their natural affection for the established Constitution in Church and State. It is idle to palliate their attachment to the Court of Rome, by asserting that the Catholics of Ireland acknowledge only *canonical* obedience to the Pope. Canonical obedience to the Pope, is inconsistent with the duties of civil allegiance to a Protestant state. I consider civil allegiance to my Sovereign, to consist in an explicit acknowledgment of the powers which the constitution has entrusted to him, and in prompt and implicit obedience to the laws, civil and ecclesiastical, by which he governs his subjects. And I know that canonical obedience to the Pope, as enjoined by the laws of the Court of Rome, is utterly inconsistent with the duties of civil allegiance to my Sovereign, as enjoined by the laws and constitution of the British empire. And therefore I do not scruple to say, that, in my opinion, it is an act of insanity in the Parliament of Ireland, to open the efficient political powers of the state in any degree to Papists, holding

ing correspondence or communion with the Court of Rome. If they do not make use of them to subvert a Protestant government, they must resist the ruling passions and propensities of the human mind; and as to their professions of attachment, I cannot forget that James II. when Duke of York, with tears in his eyes, requested an exemption in his favour from the Test Act; and pledged his word as a Prince and a Peer, that his religion was a matter only between God and his conscience; and that it never should in any instance influence his political conduct in England. I cannot forget, that he renewed the same professions on his succession to the Throne;—that as a private man, he was always considered to be a man of truth and honour; yet, when Mr. Devaux, his confessor, had access to him, his professions were all forgotten; and we know the abuses which he afterwards committed under the same pernicious influence.

Another idle assertion has been advanced in support of this Bill, that the male line of the House of Stuart will be extinct with the Cardinal York, and therefore that we are no longer to apprehend any danger from receiving Roman Catholics into the State. But surely, no man can be so ignorant of the history of this country, as to suppose, that the old Irish Catholics had any particular attachment to the House of Stuart; or that the rebellion of 1688, was in any degree to be attributed to their personal affection for James. The fact is, that the Irish Catholics never had any personal attachment to the House of Stuart. When their religion was tolerated, they were amenable; and when the Acts of Supremacy and Uniformity were enforced in Ireland, they were in rebellion to the House of Stuart;—and during Cromwell's usurpation, it is well known that they offered the Crown of Ireland to the Duke of Lorraine, if he would engage with them for the establishment of the Popish religion

religion in this country. And therefore, they were attached to James II. not as a branch of the House of Stuart, but as the Patron of the Popish religion. And whether the Prince upon the Throne was of the House of Plantagenet, or the House of Tudor; whether of the House of Stuart, or the House of Brunswick, they never were, nor ever will be cordially attached to his government, unless the Popish religion be connected with it.

Before I dismiss the consideration of this Bill, which I know is looked to abroad as the first step only towards accomplishing the favourite object of complete emancipation; or in plain English, of complete democracy and anarchy; I cannot but advert to a subject which is immediately, and intimately connected with it. It has been discovered by modern philosophers and metaphysicians, that every man who is not represented in Parliament is a slave; that to be bound by laws, to which every man in the community does not assent, by himself or his representative, and to pay taxes levied in any way but by the like assent, is to live in a state of bondage, intolerable to men of free and enlightened minds. This great political axiom has been promulgated with uncommon industry for the last two years, by the gentlemen who have undertaken Catholic emancipation. It has been illustrated in essays and orations; it has been whispered in circles, and bawled in news-papers; it has founded a Puritanical Provincial Assembly, which is but a prelude to a great National Assembly or Convention, to be elected for effecting, by fair means or by violence, a dissolution of the present frame of the House of Commons, and for restoring the Constitution to its ancient purity, by opening the right of representation to the mass of the people, of all descriptions and all religions. And one great objection which I have to the Bill upon the table is, that it recognizes in a great measure, this most pernicious principle; a principle which never did exist, and if once admitted, must lead directly

to the subversion of the Constitution in Church and State. It is notorious to every man who has any information on the subject, that in the early periods of English government, the Commons were summoned only when the ordinary resources of the Crown were exhausted, and it became necessary to raise subsidies upon the people. It is notorious, that so far were the people of England from claiming this attendance as a privilege, that it was complained of at times as equally burthensome to the deputies, and to those by whom they were deputed; that petitions were frequently presented to the Throne, not complaining of *inadequate* representation, but beseeching to be relieved from the burthen of being *represented*.

It is notorious, that whilst the Commons continued in this state of native and original purity, the only struggles in the nation were struggles for power between the King and the Nobles, and that both estates trampled upon the people; that as property and personal consideration became diffused through the nation, the Commons necessarily became in some degree an aristocratic body; and just in proportion as the Commons increased in aristocratic influence, the rights of the people were asserted; and there is no man who knows the British Constitution, who must not acknowledge, that the best security which the people can have for their liberties, is the power and influence of their representatives in Parliament; and therefore it is that it becomes the peculiar duty of the Legislature to exclude from the House of Commons, the influence of every description of men, whose principles and propensities are in any degree hostile to the Constitution in Church or State.

What then becomes of this modern system of reforming and renewing the Constitution, by opening the right of representation to the mass of the people? If the Reform is to consist simply in breaking down the personal consideration of the representative body, it can have no other effect

fect than to strip the people of their best protection against the encroachments of prerogative. If it is to produce a popular assembly, detached altogether from the influence of the other estates, influenced only by the people, and implicitly obeying their instructions, this alternative becomes inevitable; either the machine of government must be at a stand, and the nation sink into a state of anarchy, or if a government should exist, it must necessarily become a pure democracy.

The advocates for an independent House of Commons, have two striking examples before them:—In the last century, England was blessed with an independent House of Commons; a great majority of them professed Reformers and Patriots by trade.—What was the consequence? They murdered their King; they subverted the Church; they annihilated the Peerage; and under the specious name of a Republic, erected a tyranny the most intolerable that ever oppressed a people who had been free.—France is now blessed with an independent representative Assembly, all of them professed Reformers and Patriots by trade.—What has been the consequence? They have murdered their King; they have subverted the Church; they have annihilated the Peerage; and under the specious name of a Republic, have reduced that once great and flourishing kingdom, to a state of frantic and savage despotism, unexampled in the annals of the civilized world. And if the people of this country should, in an evil hour, follow up the success which they have experienced in this first stage of their wild systems of experiment and reform, if they should succeed in dissolving the present constitution of the House of Commons, and in collecting a motley assembly of representatives, consisting of Protestants of the established church, and Puritans of every sect, and good and conscientious Papists, returned by the mass of the people in execution of their natural and inherent rights,
what

what must be the inevitable issue? The voters being in the proportion of three to one Papists, Popish influence must necessarily predominate in the same proportion. I make no doubt that to one point, their new allies, the Puritans, will agree with them, and that they will join in sacrificing the established Church: I have very little doubt that to one other point they will also agree, and that they will join in fomenting a quarrel with Great Britain. And if they shall succeed in the ultimate object of both, which I know to be separation, these wise Puritanical Reformers will then find themselves precisely in the situation of the horse in the fable; they will be obliged to carry their new allies, and when they are once fairly mounted, they will have to lament in vain their restless levity and infatuation. If therefore, we go one step further in innovation, this country is lost. I very much fear, that we have already made a most precipitate and indiscreet experiment; but if the Parliament and Government do not firmly unite to stop the progress of this most pernicious and alarming rage for innovation and experiment, separation from Great Britain, or war, will be inevitable.

A Right Rev. Prelate, in impressing the necessity of yielding to the demands of the Catholics in their fullest extent, has told us explicitly, that the Catholics demand it, that the people of Great Britain demand it, and that Great Britain will no longer assist the Protestants of Ireland in a system of oppression. If the Right Rev. Prelate threw out this observation by way of menace, I take leave to tell him, that it ill becomes him to address this Assembly in the language of intimidation. If he meant to deliver an opinion, that Great Britain will withdraw her protection from this country, or that Great Britain can maintain her connection with Ireland, by sacrificing her interests in it: in my opinion, the Right Rev. Prelate is but a flimsy politician. The interests of Great Britain and
Ireland

Ireland are, and always must be, the same—their connection is essential to both; it is essential to the interests of Great Britain; it is essential to the existence of Ireland; and therefore the crooked folly of man could not have suggested a more mischievous observation, than has fallen from that Right Rev. Prelate: it can tend only to encourage faction and sedition in Ireland, and to involve Great Britain in the difficulties and embarrassments, which must necessarily attend sedition and faction in this country. Great Britain must maintain her connection with Ireland, and she can maintain it only by maintaining and supporting the old English interest here. She must look for support in Ireland, by maintaining and defending the descendants of the old English settlers; who with a very few exceptions, constitute the Protestant interest in this country: they must know and feel that they can maintain their present situation only by a close adherence to Great Britain; and however foolishly some of them may have acted for the last ten years, for their own sakes they never will hazard a political quarrel between the two countries.

The descendants of the old Irish, who constitute the Catholic Interest of Ireland, know and feel that they can never recover the situation which their ancestors held in Ireland, but by separation from Great Britain; and therefore, if any man in Great Britain or Ireland is so wild as to hope, that by communicating political power alone to the Catholics of Ireland, they are to be conciliated to British interests, he will find himself bitterly mistaken indeed. Great Britain can never conciliate the descendants of the old Irish to her interests, upon any other terms, than by restoring to them the possessions and the religion of their ancestors, in its full splendor and dominion; either is impracticable: for I consider a repeal of the Act of Supremacy in any of the hereditary dominions of the Crown of Great Britain, to be as much beyond the power of Parliament,

ment, as a repeal of the great Charter, or a repeal of the Bill of Rights.

It is a heart-breaking scene to any man who loves this country, and has witnessed her growing prosperity, to see its progress arrested, as it has been, by the perverse levity of the people. We have now a Popish National Assembly or Convention, established in the metropolis, which exercises a complete system of democratic government over all the Catholics of Ireland; this Convention has issued a general order, which has been implicitly obeyed, forbidding all Catholics to join their Protestant fellow-subjects in declarations of loyalty to their King, and attachment to the Constitution; stating as the ostensible ground of the order, that they had already, in a more dignified manner, professed their loyalty by the voice of their representatives, in their petition to the Throne: but the real ground of the order has been avowed without reserve, by those who have acted under it to be, that the Papists of Ireland now hold the balance of power in the State; that whatever party they may chuse to join, must prevail; and therefore, it behoves them to maintain an ostensible neutrality, till they see whether they can gain most by joining the party interested in supporting the Constitution, or the party struggling to subvert it. If, however, they should pursue this refined policy, I have very little doubt that they will find, ere it be long, that there is more cunning than wisdom in it.

This Convention exercises also the power of taxation over all the Catholics of Ireland; contributions were levied by their order, first privately, but now they are levied publicly in the face of day under the authority of a circular warrant, a sort of Privy Seal for a general benevolence. The last warrant which was issued is tested on the fifth of February, a period at which no doubt could be entertained of the success of their claims, as far as this Bill has acceded to them;

them; and yet in the last warrant, they state that the *growing and heavy* expence of the Catholic cause, make a general contribution throughout every parish in the kingdom a matter of absolute and pressing necessity; and I know that the taxes repeatedly levied upon the poor under the authority of this Convention have in many districts reduced them to very great distress. What can the heavy expences of supporting the Catholic cause have been heretofore? What can be the *growing and heavy* expences of supporting it now? If the Catholics of Ireland consider their cause to be the cause of dutiful and loyal subjects, submitted only to the wisdom and liberality of Parliament, what fair and honest expence can the Managers of it have heretofore incurred? If the cause be good, from what source can heavy and growing expences now arise in support of it? The fact is, that some of the men who now govern the Catholics of Ireland, are men in whom neither they nor any other description of the King's subjects ought to have any confidence. I know them to be connected in politics with the Jacobins and Levellers of the Metropolis. The money levied upon the Catholics is applied by their direction and under their orders, and if they are suffered to continue this modern trade of petty Democracy, it must lead inevitably to the subversion of all order and government. The Puritans of the North, availing themselves of the example of their Catholic brethren, have already formed a Provincial Convention, and their intention of forming a general National Convention to meet in a central part of the kingdom whenever Parliament shall be prorogued, in order to force a dissolution of the House of Commons as now constituted, and to form a pure Democratic representation of all the people without distinction, is fairly avowed; and they argue very gravely, that as the voice of three millions of people spoken by a Popish Convention has been attended to, the voice of four millions speaking by the same organ cannot be stifled. And certainly the friends of the
people

people of all descriptions have already spoken and written individually and collectively with such effect, that by their united efforts for National welfare and National reform, public and private credit has been blasted, trade and agriculture are at a stand, and a general despondency and alarm, pervade the country—and in my mind, there never was a period at which there existed more serious cause for alarm in the mind of every sober and thinking man, than at the present hour—the people appear to have been seized with a general infatuation ; their temper and dispositions at this day are precisely the temper and dispositions of the people of England in the year 1641, as described by Lord Clarendon :—

The hand and judgment of God, says he, were very visible in infatuating a people, as ripe and prepared for destruction, into all the perverse actions of folly and madness ; making the weak to contribute to the designs of the wicked, and suffering even these by degrees, from a consciousness of their guilt, to grow more wicked than they intended to be : letting the wise to be imposed upon by men of small understanding, and permitting the innocent to be possessed with laziness and sleep, in the most visible article of danger : uniting the ill, though of the most different opinions, opposite interests, and distant affections, in a firm and constant league of mischiefs, and dividing those whose opinions and interests are the same, into faction and emulation more pernicious to the public, than the treason of the others, whilst the poor people under pretence of zeal to Religion, Law, Liberty and Parliament, words of precious esteem in their just signification, are furiously hurried into actions introducing atheism, and dissolving the elements of the Christian Religion, cancelling all obligations, destroying all foundations of law and liberty, and rendering not only the privileges but the very being of Parliaments desperate and impracticable ; and although the immediate finger and wrath of God must be acknowledged

acknowledged in these perplexities and distractions, yet have they proceeded and been brought upon us by the same natural causes and means which have usually attended kingdoms swoln with plenty, pride, and excess, towards some signal castigation of Heaven.

If the men whose interests and opinions are the same will desist from faction and emulation, and will once more unite to dissolve the complicated leagues of mischief which are formed against them, they may, perhaps, by care and circumspection, restore peace and security to the country : but if we are to persist in encouraging faction and emulation at home, and in fomenting jealousies and disunion between this country and Great Britain, the existence of Parliaments will inevitably become desperate and impracticable ; we shall be driven to sue for an union with the Parliament of England, as the last resource for the preservation of Ireland, and the misery is that every step which we advance in innovation, as it increases the necessity for an union, will increase the difficulties in adjusting it.

I have been led much more into detail upon this question than I intended when I was called up ; the subject is near my heart, and therefore I have been warm in discussing it. I must again declare that I consider the Bill upon the table to be a most indiscreet and precipitate experiment. I consider it to be in principle unwise and pernicious, and even if it were unexceptionable in principle, when I look back to the manner in which it has been brought before Parliament, in my opinion, by assenting to it, we shall establish a precedent fatal to all legitimate authority. But however deeply these considerations are impressed upon my mind, I will not divide the House upon the question for committing this Bill, because, after what has passed upon this subject in Great Britain and Ireland, I will not *now* be responsible for the immediate consequences of rejecting altogether the wild claims which

have been advanced on behalf of the Irish Roman Catholics. If the measure which has been brought forward shall prove successful in uniting men of all religious persuasions in sentiment, in support of the Constitution, it is fit that its authors and promoters should have the full and exclusive merit resulting from it : if on the contrary, it shall prove a source of new difficulties and embarrassments in the Government of this country, it is fit that they and they only, should be responsible for the issue.

F I N I S.



AN
ACCURATE REPORT
OF THE
S P E E C H
OF
THE RIGHT HON. JOHN FOSTER,
Speaker of the House of Commons,
IN THE COMMITTEE ON THE
ROMAN CATHOLIC BILL.

FEB. 27, 1793.

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1798.

ACCURATE REPORT



THE RIGHT HON. JOHN RUSSELL

OF THE HOUSE OF COMMONS

MEMORANDUM

IN THE MATTER OF THE

AN
ACCURATE REPORT
OF THE
S P E E C H
OF THE
RIGHT HON. JOHN FOSTER,
SPEAKER OF THE HOUSE OF COMMONS.

WHEN a Bill is introduced into this House, for changing the Constitution under which we have lived in happiness and prosperity, and under which we have seen this kingdom gradually rise to a state of affluence, and to an extent of trade and manufacture, of freedom and independence, beyond the most sanguine expectation of its warmest advocates ; when this change has been suggested to this kingdom from abroad, without any internal cause requiring its introduction, at a time of the most perfect content and unanimity, religious animosities at rest, and every man contributing his industry and exertions to the public weal ;—little as he was in the habit of speaking, he could not forbear to request the indulgence of the House, while he should deliver his sentiments on so great a subject. However, before he entered into it, he would notice some of the transactions of the last Summer ; this he wished to have avoided, but the manner in which the conduct of Grand Juries had been mentioned, by two or three gentlemen in that House, made it absolutely necessary

fary for him, and he would say their conduct had not only been proper, but necessary and perfectly constitutional.

Soon after the rising of Parliament, last year, and after this House had almost unanimously rejected the Petition of the Catholics for granting a Qualified Franchise, a letter signed Edward Byrne, had been circulated with a very suspicious secrecy, but was however publicly known before the Summer Assizes. This letter was full of sedition; he thought so from the moment he first saw it, and he thought so still. It told the Catholics they were Slaves—There can be no Slaves, if there be no Tyrants. To whom did it mean that they were *slaves*? To the Protestants, who were then pointed out to them as tyrants and oppressors: an insinuation so notoriously false, that, but for the remainder of the letter, it might have passed unnoticed. It next endeavoured to poison the Catholic mind against the Protestant, by asserting that Roman Catholic tenants were turned out of their lands to beggary, to make room for Protestant Freeholders. He now spoke in the hearing of the greatest part of the landed property in the kingdom, and he appealed to their knowledge, whether such assertion was founded in fact, in any part of Ireland.—It was not; and he would answer for the County in which he lived, and which he had the honour of representing, that no man in it made any distinction among his tenants for religious opinions; nor did he ever hear or believe, that any one Catholic was ever turned out of his Farm to make room for a Protestant. The Letter, with a view to further inflammation, tells them, they are not secure of an impartial administration of justice, thereby suggesting, that both Grand and Petty Juries were so bigoted, so forgetful of their oaths, and Magistrates so corrupt, that no impartial justice could be expected from them, and that a change of the Law was
essential

essential to their protection. For what purpose was a statement, so notoriously false, made to the Public, but to mislead and inflame the Papists, to rouse their discontent against the Protestants, and fire their passions to support a Parliament of their own, which it was the great object of the Letter to convene, and to convene in a manner the most obnoxious, after the French model, and on French principles: a Convention which was to pass by the Parliament, to pass by the Government, and transmit a Petition to the Throne, by Deputies of their own;—as if they would say to his Majesty, You can put no confidence in your Parliament, nor in your Irish Government; they have acted wrong; we only can tell you the wishes of the nation; we are the proper judges of what ought to be the Constitution. Some gentlemen had asserted the legality of their Convention; he pretended not to much skill in Law, or knowledge of the Constitution; but he challenged the boldest Lawyer to meet him on that ground.—He asserted it before them all, to be an illegal Meeting.—It is true, he had seen opinions to the contrary, one of them given by a gentleman for whom he had the highest respect, as a lawyer and a man; but the case was not fully stated, nor were the answers fully made to the queries. He would not say that the Catholics, or any subjects, had not a right to meet and to form Petitions by Committees or Deputies, to his Majesty, or either House of Parliament. He agreed to it in the fullest extent; but this was not the plan of the Convention; it was not to be assembled for one particular object, but to be a *permanent* body, to watch over the interests of a class of his Majesty's subjects. In that respect, it partook of the nature of Parliament; it took upon itself the duties of Parliament, and could not be justified in a Country where Parliament formed part of the Constitution. That it embraced more objects than one, is

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evident;

evident ; for the attendance of its members was expressly stated, not to be required *except on important occasions*.

He would add, in defence of the Grand Juries, that by a British Law passed at the Restoration, no Petition for a change in the Constitution shall be signed by more than a certain number, unless previously approved by the majority of the Grand Jury ; so that Grand Juries have been there deemed proper bodies to consider of such Petitions ; and what is the declared Constitution in Great Britain, cannot be deemed unconstitutional or improper here.—The Grand Juries were then called on constitutionally to notice the Letter, and even, as Country Gentlemen, they had a right, and did feel it their duty, to repel its seditious slander, and to support the sense of this House, which Mr. Edward Byrne endeavoured, by a counter Convention, to overturn. For this conduct, they have been represented as impeaching all the Catholics of Ireland. They animadverted on Mr. Byrne's Letter only ; and I believe they all did, I know the Grand Jury of *Louth* did, distinguish between him and the Catholics at large, whose loyalty and good sense they expressly relied on, for disappointing the seditious views of that Letter : and here, as no man wished more than he did to avoid personal reflection, and as he had mentioned Mr. Edward Byrne, he felt it a justice to declare that he knew him personally to be a man of worth ; that if any of the Laws he had ever introduced, were serviceable to the Trade of this Kingdom, he was much indebted for them to the clear and sound information he received from that Gentleman : he believed him a most sincere friend to the prosperity of Ireland ; but when he acted as a political man, as a minister for others, he must still say, he thought him a bad politician, and must totally condemn his conduct.

Having thus vindicated the Grand Juries, he returned to the question before the Committee, which was the clause

clause for granting the Elective Franchise to the Catholics; this they demanded as a *right*, and many gentlemen in the course of debate had talked of it, as a restitution of a right, not a favour. If it were a right, all debate on its policy must be needless, for we could not withhold it. He would therefore consider it in that view; and he trusted he should convince them, it could not be claimed as a right.

Persons who call it a right, do not distinguish between the real right of the subject, and this assumed right. Every subject has a right to be bound only by those laws, and to pay only those taxes which are agreed to by the representative body of the people;—that body is the representative of electors and non-electors equally; but the mode in which that representative body shall be appointed, and who shall share in that appointment, has ever been regulated, ascertained, and restrained by law. There is an absurdity in supposing that every individual has a right to elect; if so, it extends equally to all; it was prior to all law, and the whole practice of the British Constitution has been an usurpation.

An Act of Henry VI. limited the right of Freeholders voting to such as had Forty Shillings a year. If an *inherent* right existed, the legislature could not have so modified and narrowed it: but they did so, and the law has been acquiesced in for centuries in both Kingdoms. If it was not a common right then, it certainly cannot become so now. The Registry Act he mentioned also, as an instance whereby Freeholders under Ten Pounds, were excluded from voting, unless they performed certain conditions; and he dwelt much on the law, which totally prevents the exercise of the Franchise, at the time when it is most desirable, and can be of most use; at a time when a vacancy takes place, with momentous subjects before Parliament, and when individuals might wish to have a share in the choice. The law will not allow any
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man at such time to procure a power of voting, for he must be a possessor six months before the vacancy; it even prevents his voting unless he swears that he did not procure his vote on purpose to qualify him to vote at that election.

Another instance of restraint is in the exclusion of Revenue Officers in England from voting, men who could not be excluded, if their right was inherent, paramount to Parliament; and whom it seems hard to deprive of a Franchise, for devoting their time, and their health to the service of the Public. But if the right was inherent, why is the female part of the community excluded? they constitute one half of the people, the unmarried part of them cannot be supposed under influence, and they possess as good sense and understanding as we do. The constitutional ground, on which all these regulations proceed, is that the law restrains all those who ought in reason, to be deemed unfit to vote, either from want of sound discretion, as idiots, and minors, or from being supposed subject to the influence of others, as alms-men, freeholders under forty shillings, and revenue officers, or from not giving those tests of attachment to the Constitution, which the laws deem necessary for the safety of the state, before any persons should be admitted into its functions, as Roman Catholics, who do not acknowledge the King to be the Head of the Church. In England, the Catholics are not, he allowed, deprived of this right by name, but by implication, by prescribing as necessary qualifications, the oaths of allegiance and supremacy, that no man might have political power, who was not attached to the Constitution, both in Church and State, and who did not acknowledge his Majesty to be supreme in spiritual, as well as civil jurisdiction.

It had been asserted and relied on, that the Catholics had exercised the right of franchise, until the 1st George II.

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This was not the fact, for by every research he could make, they never exercised it since the Revolution, and he would prove it from the journals, which gave the best evidence of the practice and the usage of Parliament.

He read the resolution of the House in 1697, declaring *nem. con.* that Papists ought to be excluded from the right of voting; he then stated that in 1709, their right came in question, on the petition of Mr. Cusse for Irishtown, the proceedings on which were reported specially; and the case was, that thirty-six Papists had offered for Mr. Cusse, and if they were admitted, he was duly elected.

The portrieve alledged, that he refused them, having been informed, that *they had been before refused at Ross, and had not voted for many years.* One evidence produced by the petitioner believes, *Papists voted formerly, but not of late time.* Another says, *Papists have been excluded from voting, since James's time,* and the sitting member's counsel insist that the *Papists had not a right to vote, and had not voted since the Revolution.* No evidence whatsoever is produced to shew that they had ever voted; which it must be supposed, would have been done, if the fact were so. A debate ensued in the committee whether Papists had votes or not, and they resolved the sitting member was duly elected, thereby declaring Papists had no votes. Those records clearly shew the usage from the Revolution, and there is not any other entry on the journals which respects the subject, or which shews they ever had been allowed to vote.

The preamble of the 2d of Anne, shews clearly the intent of the legislature was to exclude them. *And for preventing Papists having it in their power to breed dissensions among Protestants, by voting at elections, of members of parliament, &c.* Even the Act of George II. which they say was the first that excluded them, says in its preamble, *And for the better preventing Papists from voting, &c.*

as if it were a known fact, that they were before excluded, but some further regulation was necessary to enforce it. All these authorities justified his assertion, that they did not exercise the franchise since the Revolution, and prove the point as fully as any negative can be proved; particularly when it is considered, that the resolution of the House of Commons, in those days, directed all matters of election.

He recurred back to two instances he had omitted, Copyholders and Lessees for years; the former constitute a great body of the landholders of England, and the tenure is in fact perpetual; but by very little better than a fiction, they are excluded upon the idea, that nominally they hold at will. Lessees for years are a numerous class, and there seems a great stretch of speculative reasoning, to say that a man possessed of land for 999 years, is not as independent a voter, as he whose interest depends on a decayed life: almost all the bishops land, and much corporation lands can produce no voters on the same principle, being all demised for years. Some gentlemen had said that copyholders and tenants for years, may acquire freeholds in other places; but the Papist cannot exercise the franchise without changing his religious tenets. If this argument has weight, it is still stronger in favour of women; the Papist incapacitates himself by adopting the tenets which disable him; but women, while the restraint continues, are incapacitated by the act of God; the one may by conformity acquire the right, the other's incapacity is physically irremovable: the argument therefore of those gentlemen undoes itself by asserting too much.

Having thus cleared the question of right out of the way, and shewn that the Catholics could not demand this franchise, as a right, the committee was at liberty to discuss whether it be politic or not, to grant it to them as a *favour*.

In every thing which had hitherto been granted to them, he had concurred. He would allow them property, with
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equal security for that property, civil liberty, with equal security for that civil liberty, and every thing which could tend to their ease, their happiness and personal welfare; but he would draw a line round the Constitution, within which he would not admit them, while their principles were, he would not say hostile, but certainly not as friendly to the Constitution, as those of Protestants. It was impossible while Church and State were so intimately connected, that Roman Catholics avowedly averse to the one, could be as friendly to the other; or attached to a Constitution founded on both, and one principle whereof was the inseparable union of both. He would say that the plain, natural and inevitable consequence of admitting them, within the pale of the Constitution, would be the destruction of the Church establishment; and he would demonstrate this conclusion step by step, in a train of argument which appeared to him unanswerable.

It is vain to imagine, that admission to the elective franchise, does not draw with it the right of representation, it will follow whether you chuse it or not; for upon what ground can you say men are fit to be electors, and unfit to be elected? It had been urged indeed, that a different qualification was necessary, and that it was so in England, and probably would be soon so here; but admitting it even to be so, it made no difference in the argument, for the qualifications of both were of the same nature, differing only in the amount of the value, and not in any consideration arising from their opinions, political attachment, or personal endowment.

If then by admitting them to be electors, you must allow them the right of being elected, and so give them seats in this house, upon what principle can you give them a seat in the one house, and refuse it to them in the other? Upon no one principle of common sense. And thus you give them possession of a full participation in the legislature.

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The next step to the offices of civil and military power inevitably follows. You cannot say, that men whom you allow to be qualified for legislation, are unfit to be trusted with the execution of those laws they join in forming. No, such a refusal would be absurd in speculation, and unjustifiable in practice. Admitted then to every trust and power in the state, legislative and executive, do you think they would not feel their clergy degraded, while they remained subordinate? Would they rest content, when there was no inequality between the Protestant and Catholic Laity, that there should be a degrading and mortifying inequality between the Protestant and Catholic Clergy?—He was not arguing on wild metaphysical speculations; he argued from human nature, from the common workings of the feelings and passions of men, from what Protestants would do and had done, and what he himself would do, were he a Catholic in the same situation.—Catholics would never bear to see the clergy of the minority, which the Protestants would then be, exalted by dignities, and supported in affluence and splendour, while theirs had neither honours nor maintenance; they could not be content to see the clergy, who administered to them the duties of their religion, sunk in poverty, while the clergy of a church, to whom they had long been obliged to contribute, without profiting by their labours, were enjoying all the benefits of a wealthy establishment: subordination to Protestant power, had alone hitherto induced men to pay tithe for support of a clergy, whose spiritual assistance they rejected. Possessed of power, they would deem it but justice, to give tithe of Catholic to Catholic; and we should be at their mercy, whether they would allow the Protestant Minister, to receive even the tithe of his Protestant Parishioners: they would naturally say, we have long paid tithe to men who never could make us any return of service; we have maintained a clergy

clergy whose doctrines we cannot listen to ; it is time for us to pay our own clergy : and they might go further, we will put our clergy in their places, they shall henceforward enjoy what they have long laboured for without reward ; and we will establish our church, on the ruins of the Protestant. Such would naturally be their language, and such the fate of the Protestant Clergy, and the end of the Protestant Church in Ireland : when the church is gone, the state will soon follow ; you cannot expect a Protestant state to subsist without a Protestant church. In possession of power, they must wish to make theirs the religion of the state ; and what would stand in their way ? Nothing but the King's Coronation Oath, "*To maintain the laws of God, the true profession of the Gospel, and the reformed religion, established by the law ; to preserve unto the Bishops and Clergy, of this realm, and to the Churches committed to their charge, all such rights and privileges as by law do or shall appertain to them.*"

While a Monarch sits on the Throne, who has taken this oath, their Church can never gain the ascendancy ; their object of course would be to have a Sovereign who should not be bound by it. I am persuaded their loyalty and gratitude to his present Majesty, even were he to live half a century longer, would prevent their making any such attempt during his reign ; but surely it is natural to suppose, they would take the first opportunity they could after, to obtain a Monarch not barred by such an oath, for accomplishing their wishes. That Monarch could not be the British Sovereign. Britain would not alter the Coronation Oath at their desire, and thus their interest, their wishes, and their ambition, must lead them to look for another Monarch ; and thus would be effected a complete and total separation from Great Britain. These consequences flow so naturally from admitting this first inlet

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into the Constitution, that he could not divest his mind of them. It was painful to him to feel their weight, and extremely unpleasant to him to mention them; he wished to avoid it; but a question of such moment, could not be argued without looking to all its consequences; he had never weighed any subject so much; he looked on it in every view; he wished to convince himself he was mistaken; he still wished it, and would, from the bottom of his heart, thank any man, who would satisfy him he was in error, and remove his apprehensions; he had no dislike to the Catholics; he wished to see no danger in a measure so likely to be adopted; but the train of reasoning which he had laid before the House, exactly as it had offered itself to his mind, had worked so strong upon him, that his opinion remained unshaken. He was still more confirmed in it, by considering the circumstances of their clergy; their Oath of Ordination bound them not as our Monarch was bound, merely to maintain, but to *extend and promote* (*pro posse*, he believed, was the phrase) the interests of their Church. And all history concurred in proving their zeal: they have sent missionaries to propagate their religion at great expence, trouble, and hazard, to almost every part of the world: extension of its doctrines, and its powers, is the duty of its professors; their habits of life too urge them to it; they are bound to celibacy; strangers to all the comforts of domestic life, their passions find no resting place, their home had not the allurements of love and of content, to engage and occupy their mind. Human passions are ever alive; if love do not engage them, ambition will; the experience of ages, shews us the ambition of the Romish Clergy; and when that ambition is fired by a religious zeal, and by the certain consequence of great temporal emolument and dignity, who can say to what extent it may not go? their oath,

oath, their interest, and their ambition, all concur in rousing them to exert every power, and watch every opportunity of effecting this change; and however unpleasant to advert to circumstances, of which the author seems to have repented, he cannot avoid, as it is so apposite to the argument, to notice how eagerly, and how early their prelates shewed their ambition, by claiming their titles of Archbishops and Bishops in their signatures to their Petition the other day to this House, contrary to the existing laws, titles which they would not have presumed to have asserted, but from the influence of that ambitious zeal, which over-bore their judgment.—They foresaw their own ascendancy so strongly in the very first dawn of Catholic power, that they actually believed themselves in the possession of it.

But let it even be supposed, that the overthrow of the Protestant establishment, the dethronement of the House of Hanover, and a total separation from Great Britain, were not to be the inevitable consequences of the measure in debate, need he say, that there was still another reason for refusing the Franchise as proposed by the Bill,—that they themselves were not in a situation to receive it.

The utmost efforts of the election laws, had been hardly sufficient to prevent perjury, and avoid tumult; both these species of mischief the admission of Catholics would produce. Nothing tended more to perjury, than the want of knowledge of the nature of an oath; and their superiors had expressed their opinion as to the lower order of Catholics upon this point. In their Petition to the Throne (which by the way he observed, was as imprudent a production as ever appeared from sensible men, but which, as not material to his argument, he should for the present forbear farther considering) they had stated that *numbers of Catholics, preferring perjury to famine, submitted to oaths which they utterly disbelieved.* What were these oaths
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which they utterly disbelieved? The oaths of *allegiance* and *supremacy*. Were these the men whose loyalty was so highly praised, and who were to be admitted into the Legislature? And yet this is their character drawn by those who know them best. Would men, who could in the hour of coolness and reflection, take the oaths of allegiance and supremacy, which they *utterly disbelieved*, hesitate in the heat and hurry of an election, to prefer bribery to perjury, and take oaths which were trifling, compared to those which they had before taken and disbelieved,—oaths by which they might persuade themselves they were gaining advocates in Parliament for their Religion? When their friends say, they think so lightly of an oath, as to prefer perjury to famine, can you doubt they would not take false oaths where the advancement of their Religion was superadded to the avoidance of famine? He said, he spoke not of them from his own surmise or opinion, he stated the opinion which their own Body gave to the Throne, and published to the world. Here he could not help observing, what ideas the Petitioners themselves entertained of the Constitution of Parliament: In the last Session, this House had rejected the Petition of the Catholics for a qualified suffrage by an almost unanimous resolution; and how do these Gentlemen act now? They do not come again to Parliament, and pray it to take their case into consideration. No; they pray his Majesty to use his influence with his Parliament; they apply to the British Minister against the sense of this House, against the opinion expressed by every County almost in the Kingdom, and do not scruple at endeavouring to procure an external influence upon this House. Are men with such unconstitutional ideas, fit to vote or sit, or legislate for this Country? They set forth in their Petition, that the Elective Franchise gives infinite variety of *advantage in*
protection

protection and otherwise ; thus, intimating unwarily, that they consider it as proper to be applied to other uses, than the pure and uncorrupt choice of the fittest candidates ; for what else do protection or advantage mean ? Great stress has been laid on three millions, being excluded from Franchise, and the Petitioners desire that it may be recommended to Parliament, to consider their *numbers*. This is rather a blameable expression ; it is too like a threat ; but they forget to state, that of these three millions, one half are excluded as females ; that of these three millions, 2,100,000 are so poor, that they cannot contribute 4d. a year each to the exigencies of the State without oppression, if we are to believe the return before the House, and to argue from the reduction which his Majesty's officers recommend to him in the duties of Hearth-Money, on the principle, that there are so many subjects in this kingdom on whom it would be a grievance to continue a tax amounting to 4d. each. They forgot, or rather omitted to tell his Majesty, when they represented their loyalty, that they were not, nor could they be loyal to the same extent with his Protestants, who acknowledged his Supremacy in the whole, and they acknowledged it only in half,—in his civil, but denied it in his ecclesiastical jurisdiction. They should have said at the same time, We claim your Majesty's favour to put us on an equality with the Protestants ; but we do not, nor will we ever acknowledge you to have ecclesiastical or spiritual jurisdiction over us, as they do. And here he remarked on the strange situation the Protestants would be left in, if this Bill passed. They were still to take the Oath of Supremacy, the Catholics were not ; they whose principles were to acknowledge the King as Supreme Head, were to take a Test ; while those whose principles were the contrary, were to take none ; the loyal Protestant is to take one
oath

oath more than the Catholic ; it might operate as a temptation to conform to Popery ; for if among the number of subjects, any should be found who might scruple to acknowledge any Head of the Church, they would be absolved from it, by professing themselves Catholics. It is also worthy of remark here, that revenue officers were deprived of the Franchise in England, because they were supposed liable to the influence of their own British Monarch ; but Catholics are to be admitted to it here, who avow themselves in all ecclesiastical concerns, to be under the direct influence of a foreign Potentate, hostile to our Church and to our Religion.

Having thus argued on the unsuitness of the inferior Catholics to exercise the Elective Franchise at present, without injuring the purity of election ; he stated another danger to the Constitution from this admission, that they must be advocates for the worst species of reform, that of individual voting, which every gentleman on every side of the House reprobated. The Protestant was superior in property, inferior in number ; the Catholic the reverse ; and the latter must be blind indeed to his own interest, if he did not endeavour to procure that reform which would give the influence to numbers, and take it from property. But there is one consideration not yet adverted to,---you are Trustees for your Constituents, they are Protestants ; have you the power to destroy their rights, by overwhelming them without their consent ? For his part, he received his seat in this House, and the trust which he brought with it, from Protestants, under a Protestant King, a Protestant Constitution, and a Protestant Ascendancy ; and by the blessing of God, he never would give up their rights till they should desire him. Consult your Constituents before you venture on such an act. Will you give to the Petitioners, for their three millions of
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men, a full participation of all that the one million enjoys, and not see that you are overpowering the rights of the one million? Gentlemen talk of prohibiting Forty-Shilling Freeholders from voting; they will not attempt so wild a project, when they consider it. What! to disfranchise near two-thirds of all the Protestants—to disfranchise those persons who sent them into this House! The law in their favour had existed since Henry VI. and now forms a principle of the Constitution. Did the gentlemen who lived in the North recollect, that this would disfranchise all their manufacturers? One gentleman did, and supported their rights, he meant the member for Tyrone, Mr. *Stewart*, whom he always heard with pleasure; for his principles were sound, and he was a true friend to the Constitution. Did they wish to force manufacturers to look for Ten Pound Freeholds; they would be spoiled as manufacturers, and be miserable Farmers? The Weaver, with his little piece of land and his garden, is generally a Forty-Shilling Freeholder; he is a useful member, a good voter, and a good subject, and on such men as him, may the safety of the Constitution often depend. He said he had only one consideration to add to the arguments already offered, and this was from the present times and circumstances. The advocates for the Bill relied on them much, and that it was necessary to give this Franchise to make the Catholic a steady friend to the kingdom against the common enemy, who threatened our coasts with all the savage barbarities of French cruelty; he had a much better opinion of them; he did believe them loyal to their King, and that they would not desert their Country or fail to support it, because the Parliament did not chuse in the time of war and danger, suddenly to change laws which had subsisted for a century. If he could think of them in the bad light their friends represent them by that argument,

ment, he should say it was decisive against the Bill, they were unmeriting of favour, and totally unfit to be trusted with any power whatever.—Conciliation is dwelt on as a motive, but will the Bill conciliate? You gave them much last year for conciliation; did they thank you? No; they rose in their demands and passed you by; it is not in the nature of any body of men, who look to full participation of power, to rest satisfied with a partial share; they never will be contented while any thing remains to be obtained. But what is the conciliation you wish for? Not to his Majesty; for their loyalty there, you say, is past all doubt. If it be conciliation to their Irish Protestant brethren, do you think they will feel themselves obliged to them as the authors of this grant? Will they receive it as a voluntary favour moving from them? No; you know they did not originate it, you know it did not originate in this kingdom; there has been a race for the Catholic, and such of you as have entered the lists have been outrun.

My Right Hon. Friend (*Major Hobart*) says, our relaxation last year justified Britain in interfering now; but our relaxation then went only to put the Catholic on equality with respect to property, protection and civil rights;—this Bill goes to a very different point, to give him political power: but does our rejection of the Catholic Petition last year,—do the resolves of all the counties in the kingdom, justify the interference? Gentlemen have thanked the Irish minister for this measure; he could not thank him for it, though he could for many others; for from his soul he considered it as the prelude and certain forerunner of the overthrow of the Protestant establishment in Ireland. The British minister was the first to rouse this question, and he was not well advised: the country was in peace, thriving in manufactures, industry and

and trade, public credit high, and revenues ample; what is the case now? old animosities are revived; money which was got then at $3\frac{1}{2}$ per cent. for the public, cannot now be procured under 5, if we may judge from the money-bill;---trade is hurt, the revenue fallen, and industry destroyed by tumult in many parts of Ireland; this change has not arisen from French transactions; they have not been felt here, at least not till very lately; it arises from the fears and agitations into which this kingdom has been thrown by the rousing and supporting this claim. But to return: if to conciliate be your object, this measure will not answer; three millions of Catholics are spoke of, to be conciliated, but you forget the one million of Protestants; will you leave them contented by surrendering their rights and their establishment? Will the manner in which the measure is begun and pressed forward, conciliate them? No. We are in that awkward and unhappy situation, that we cannot obtain conciliation, either by the passing or rejecting the Bill: pass it, you do not fulfil the Catholic wish, and you alarm the Protestant: reject it, and the Catholic will complain of you.

Having gone through these arguments, he shortly recapitulated them: I have shewn you that you are not bound to give Franchise as a right, that you cannot grant it as a favour, without hazarding the overthrow of the Protestant church, the Hanover succession, and our connection with Great-Britain; that even if you could do it without such hazard, the mass of the Catholic body is unfit to exercise it, with safety or advantage; that such a grant will make every Catholic an advocate for the worst species of reform, where numbers and not property, are to influence; that if these arguments have no weight, still you are but Trustees for your Constituents, and cannot surrender their right without their especial leave, which you have not

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obtained.

obtained. That if you had their leave, the times, the circumstance of intimidation, of resort to a British ministry, and impracticability of conciliation, would all render the measure unwise in the extreme. And here he called on those who represent northern counties; you have heard the Protestant mind is changed there, but you cannot know it, for the fact is not so; the Grand Juries and respectable meetings have declared against the measure; some few small bodies assembled without authority, give a contrary opinion. Do you believe even those few wish this grant from conviction of its policy? Very far otherwise; they want to gain the Catholic for the Reform, to which they would now sacrifice every thing, and if you pass this bill, they will repent their folly, and say, You had neither the wisdom nor firmness that Representatives ought to possess. He next called on those who had signed, or sanctioned by their presence at Grand Juries or County Meetings, a disapprobation of this measure. What has happened since to change your mind? Not the imprudence and asperity of the Catholic proceedings; not the interference of the British ministry, in direct opposition to your own sentiments; not the threats of numbers, for you are above intimidation; but you are told the Protestant mind has changed. I allow a prospect of war, and fear of troubles at home, may have operated upon a few, and particularly in Dublin, where want of discount and fall of stocks, alarm some timid traders; but I cannot believe it is changed in the country; because as far as I know, or have heard, it is quite the reverse; if the news-papers be your authority, I answer, they propagate many falsehoods to carry this measure; and notoriously misrepresent the real sentiments and situation. If there be any in the House, who even entertain a doubt of the policy or safety of the measure, he said, that in wisdom, they must now vote against it; it was of a nature that it never could be
revoked,

revoked, but they might at any time embrace it with equal effect, when those doubts should cease. He urged them all to postpone the Bill till after the Assizes; to consult their Constituents in the mean time, and then they could proceed on secure grounds. He entreated the House earnestly to consider, that no Country was ever lost by firmness; many have been ruined by pusillanimity. Stand by the Constitution; support it, and it will support you; you are strong enough to maintain it; shew that neither the British minister, nor any British power, shall ever make you change it. *A Constitution*, to conclude in the words of as wise and firm a Patriot as ever lived—

“ So dearly bought, the price of so much blood !

“ Oh ! never let it perish in your hands ;

“ But piously transmit it to your children.”

In reply to Major Hobart,——

He did not say the discussion of this measure was what injured the kingdom; it was the first stirring of it; and he differed from him from the first moment it was mentioned, because he saw it would destroy the Protestant establishment.

The discussion of it, after it was once stirred, became necessary; and so much was he of that opinion, that the Right Hon. Gentleman must do him the justice to recollect, that when the subject of the Popery laws was stirred last Session, he recommended a full and ample discussion then, of every article of them; and finally to tell the Catholics what we could relax, and what we could not relax; as the most manly and satisfactory mode of proceeding.

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He never blamed the Irish Government, nor did he blame them now ; they could not act otherwise ; the measure began in Britain ; but he should never cease to think it was extreme folly, or indiscretion in the British ministry to rouse the question here. He would add, that much as he feared its fatal consequences, and much as he opposed it, yet should it pass into a law, it would then be his duty, from that moment, to give up his own opinions ; to embrace it as the law of the land ; and do every thing that an individual could do, to render it beneficial and effectual.

F I N I S .

